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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/653,196 | 08/31/2000 | Charles R. Cash | 8320.10 | 4698 |
| 26884 | 7590 | 04/21/2006 | EXAMINER | |
| PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001 | | | STEVENS, THOMAS H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2123 | |

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,196

Applicant(s)

CASH ET AL.

Examiner

Thomas H. Stevens

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/06/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-18,20-31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,6-18,20-31 and 33-36 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1,3,4,6-18,20-31,33-36 were examined.
2. Claims 2,5,19 and 32 were cancelled.

Drawing Objection

3. The drawings are objected to because element number 3024 is missing from the figure 30. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification Objections

4. The disclosure is objected to because of the following informalities:

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- Element numbers 330,640,650, 820, 965, 945,915, 1010, 1210,1220,1225, are missing from the specification.
- None of the element numbers for replacement sheet 7/33 (figure 7) are denoted within the specification.

Appropriate correction is required.

Claim Objections

Claims 20, 24 and 25 are objected to for minor informalities. The Office suggest amending claims 20 from "allowable range" to "predetermined range" since allowable is a relative term. Furthermore, suggest amending "all measures" to "all said measures" in claims 24 and 25.

Allowable Subject Matter

5. Claims 1,3,4,6-18,20-31,33-36 are allowed.

6. The following is an examiner's statement of reasons for allowance: While Nelson (U.S. Patent 5,390,107) and Madigan-E et al., ("Simulation Success Stories: Business Process Reengineering" (1997)), discloses (claims 1, 33-36) a method of quantitatively evaluating alternatives to check-out operations using simulation model, comprising: selecting from a data input dictionary parameters describing a first check-out operations; inputting parameter values for the selected parameters describing the first checkout operations into the simulation model; transforming the first check-out operations parameters into check-out performance results; and outputting the results from the simulation model; (claim 27) a method of predicting, with a simulation model

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programmed to accept parameters within a predetermined range, performance characteristics of a prospective check-out system for use in planning and designing a check-out system comprising: selecting a check-out configuration; determining parameters within the predetermined range that describe the check out configuration; inputting the parameters describing the check-out configuration into the simulation model; demand; model; determining within the predetermined range that describe customer inputting the parameters describing the customer demand into the simulation transforming the customer demand parameters and the check-out configuration parameters into check-out configuration performance; and outputting information regarding the check-out configuration performance from the simulation model none of these references, taken either alone or in combination, teach the following limitations:

(claims 1 and 27) "wherein the transforming step is performed in either an unlimited arrival mode or a limited arrival mode;"

(claim 33) "wherein the first checkout operations includes one of the transaction process at two front check stands, a transaction process at two back-to-back check stands and a transaction process at two front facing check stands for fast-track customers;"

(claim 34) "the first check-out operations include check stand designs, transaction procedures and lane configurations;"

(claim 35) "the simulation model simulates two lane models using check-out operations parameters describing the following events: pre-itemization, itemization, finalization, bagging and intervention;"

(claim 36) "wherein the first check-out operations parameters comprise a configuration category, a customer demand category, a schedule category, a transaction category, a transaction itemization category, a transaction finalization category, a transaction bagging category, a transaction intervention category, and a model parameters category;"

in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicants' invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

7. This application is in condition for allowance except for the following formal matters:

Objections to the specification, claims and drawings.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Correspondence Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

April 13, 2006

TS


Paul L. Rodriguez 4/17/06
Primary Examiner
Art. 2123